

الإِجْمَاعُ وَحُجَّتُهُ

Al-Ijmā' and its hujjiyyah

“And whoever contradicts (or opposes) the Messenger after the right path has been shown clearly to him, and follows other than the believers' way. We shall keep him in the path he has chosen, and burn him in Hell - what an evil destination.”

(An-Nisā 4:115)

Al-Ijmā' in the Islamic Law

A sad *bid'ah* has occurred among those ascribing themselves to the Tawhīd of Allāh and the *Sunnah* of the Messenger (*sallAllāhu alayhi wa sallam*), and that is that they claim the invalidity of the *ijmā'* (agreement) of the ummah and that only the Qurān and *Sunnah* are sources of legislation. With this they seek to allow what Allāh has forbidden by claiming that Allāh has not forbidden such and such deed in the Qurān, nor has the Prophet (*sallAllāhu alayhi wa sallam*) forbidden it in the *Sunnah*, rather there exist "merely" an *ijmā'* prohibiting the deed. We ask Allāh for pure intention and for an insight and light from Him, with which we can distinguish the truth from the falsehood, the *Sunnah* from the *bid'ah* and the sincere slaves of Allāh from the sick *zanādiqah* claiming to be followers of the *Sunnah* while they in the reality follow their own whims and desires. *Allāhumma Āmīn*.

The evidences for the *hujjiyyah* of the *ijmā'*

The word *hujjiyyah* can be translated as authority and what is meant with "the *hujjiyyah* of the *ijmā'*" is the state of the *ijmā'* being a source of legislation, a *hujjah* (argument) in religious disputes and something to refer to as evidence in the Islamic law

There are many evidences both in the Qurān and the *Sunnah* that proves the *hujjiyyah* of the *ijmā'* in the Islamic religion. Allāh – the Exalted – says in the Qurān:

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۚ وَسَاءَتْ مَصِيرًا

"And whoever contradicts (or opposes) the Messenger after the right path has been shown clearly to him, and follows other than the believers' way. We shall keep him in the path he has chosen, and burn him in Hell - what an evil destination." (An-Nisā 4:115)

Ibn Kathīr – *rahimahullāh* – said in his *tafsīr* of the verse:

وَقَوْلُهُ : (وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ) أَيُّ : وَمَنْ سَلَكَ غَيْرَ طَرِيقِ الشَّرِيعَةِ الَّتِي جَاءَ بِهَا الرَّسُولُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَصَارَ فِي شِقِّ وَالشَّرْعِ فِي شِقِّ ، وَذَلِكَ عَنْ عَمْدٍ مِنْهُ بَعْدَ مَا ظَهَرَ لَهُ الْحَقُّ وَتَبَيَّنَ لَهُ وَاتَّضَحَّ لَهُ . وَقَوْلُهُ : (وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ) هَذَا مُلَازِمٌ لِلصِّفَةِ الْأُولَى ، وَلَكِنْ قَدْ تَكُونُ الْمُخَالَفَةُ لِنَصِّ الشَّارِعِ ، وَقَدْ تَكُونُ لِمَا أَجْمَعَتْ عَلَيْهِ الْأُمَّةُ الْمُحَمَّدِيَّةُ ، فِيمَا عِلِمَ اتِّفَاقُهُمْ عَلَيْهِ تَحْقِيقًا ، فَإِنَّهُ قَدْ ضَمِنَتْ لَهُمُ الْعِصْمَةُ فِي اجْتِمَاعِهِمْ مِنَ الْخَطَا ، تَشْرِيفًا لَهُمْ وَتَعْظِيمًا لِنَبِيِّهِمْ [صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ] . وَقَدْ وَرَدَتْ فِي ذَلِكَ أَحَادِيثٌ صَحِيحَةٌ كَثِيرَةٌ ، قَدْ دَكَّرْنَا مِنْهَا طَرَفًا صَالِحًا فِي كِتَابِ " أَحَادِيثُ الْأُصُول " ، وَمِنْ الْعُلَمَاءِ مَنْ ادَّعَى تَوَاتُرَ مَعْنَاهَا ، وَالَّذِي عَوَّلَ عَلَيْهِ

الشَّافِعِيُّ ، رَحِمَهُ اللَّهُ ، فِي الْإِحْتِجَاجِ عَلَى كَوْنِ الْإِجْمَاعِ حُجَّةً تُحَرِّمُ مُخَالَفَتَهُ هَذِهِ الْآيَةُ الْكَرِيمَةُ ، بَعْدَ التَّرْوِي وَالْفِكْرِ الطَّوِيلِ . وَهُوَ مِنْ أَحْسَنِ الْإِسْتِنْبَاطَاتِ وَأَقْوَاهَا ، وَإِنْ كَانَ بَعْضُهُمْ قَدْ اسْتَشْكَلَ ذَلِكَ وَاسْتَبْعَدَ الدَّلَالَهَ مِنْهَا عَلَى ذَلِكَ.

“And His words: ‘And whoever contradicts (or opposes) the Messenger after the right path has been shown clearly to him’, means: And whoever follows something else than the Sharī’ah which the Messenger (sallAllāhu alayhi wa sallam) came with, so he is on one side and the (Islamic) Law is on another side, and this is done purposefully by him after he becomes acquainted with the truth, it becomes clear to him and becomes clarified for him. And His words: ‘And follows other than the believers’ way’, this is a necessity for the first description. However, the contradiction could be with the text of the Legislator (i.e. Allāh) and it could (also) be with what the Ummah of Muhammad has agreed upon, in that which is known that they in reality has agreed upon it. Because they have verily been granted protection from mistakes in what they agree upon, as an honor from them and to uplift their Prophet (sallAllāhu alayhi wa sallam). Many correct ahādīth has been narrated regarding this, and we have verily mentioned a good portion of these in the book ‘Ahādīth Al-Uṣūl’. And among the scholars are those who professed the frequency of their meaning. And that which Ash-Shafi’ī – rahimahullāh – depended on in proving that the ijmā’ is hujjah which it is forbidden to oppose, is this noble verse, after reflecting and thinking long about it. And it is from the best of derivations and the strongest of them, even though some of them regarded this as dubious and eliminated using it as evidence due to this.”

(Tafsīr Ibn Kathīr – Sūrah An-Nisā)

Al-Qurtubī said in his tafsīr:

الثَّانِيَةُ : قَالَ الْعُلَمَاءُ فِي قَوْلِهِ تَعَالَى : وَمَنْ يُشَاقِقِ الرَّسُولَ دَلِيلًا عَلَى صِحَّةِ الْقَوْلِ بِالْإِجْمَاعِ

“The second (issue to be found in this verse): The scholars said regarding His – the Exalted – words: ‘And whoever contradicts (or opposes) the Messenger’, is an evidence for the soundness of the opinion of the ijmā’.”

(Tafsīr Al-Qurtubī – Sūrah An-Nisā)

The aspect of evidence in this verse is that Allāh has warned those who follow another way than that of the believers with punishment. This proves the obligation of following the way of the believers, and the way of the believers is what they have agreed upon.

Allāh – the Exalted – also said:

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا

"And thus we have made you a *wasat* (just) *ummah* so you will be witnesses over the people and the Messenger will be a witness over you." (Al-Baqarah 2:143)

Shaykh Al-Islām Ibn Taymiyyah – *rahimahullāh* – said:

وَالْوَسْطُ الْعَدْلُ الْخَيْرُ وَقَدْ جَعَلَهُمُ اللَّهُ شُهَدَاءَ عَلَى النَّاسِ وَأَقَامَ شَهَادَتَهُمْ مَقَامَ شَهَادَةِ الرَّسُولِ ، وَقَدْ ثَبَتَ فِي الصَّحِيحِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَرَّ عَلَيْهِ بِجَنَازَةٍ فَأَنْتَنُوا عَلَيْهَا خَيْرًا فَقَالَ : وَجِبَتْ وَجِبَتْ ، ثُمَّ مَرَّ عَلَيْهِ بِجَنَازَةٍ فَأَتْنُوا عَلَيْهَا شَرًّا فَقَالَ : وَجِبَتْ وَجِبَتْ ، قَالُوا : يَا رَسُولَ اللَّهِ مَا قَوْلُكَ وَجِبَتْ وَجِبَتْ ؟ قَالَ : (هَذِهِ الْجَنَازَةُ أَنْتِنُمُ عَلَيْهَا خَيْرًا فَقُلْتُ : وَجِبَتْ لَهَا الْجَنَّةُ ، وَهَذِهِ الْجَنَازَةُ أَنْتِنُمُ عَلَيْهَا شَرًّا فَقُلْتُ : وَجِبَتْ لَهَا النَّارُ . أَنْتُمْ شُهَدَاءُ اللَّهِ فِي الْأَرْضِ) .

"Al-Wasat is justice and the very best, and Allāh verily made them witnesses over the people and he raised their testimony to the level of the testimony of the Messenger. And it has verily been established in the correct (narrations) that a funeral procession passed the Prophet (sallAllāhu alayhi wa sallam) and the people praised the deceased. The Prophet (sallAllāhu alayhi wa sallam) said: 'It has been affirmed to him, It has been affirmed to him'. Then another funeral procession passed and the people spoke badly of the deceased. The Prophet said: 'It has been affirmed to him, it has been affirmed to him'. They said: 'O Messenger of Allāh, what does your words: It has been affirmed to him, it has been affirmed to him, mean?' He said: 'At this funeral you praised the man, so I said that Paradise has been affirmed to him; and at that funeral you spoke badly of the man, so I said: Hell has been affirmed to him. You people are Allāh's witnesses on earth.'"

فَإِذَا كَانَ الرَّبُّ قَدْ جَعَلَهُمْ شُهَدَاءَ لَمْ يَشْهَدُوا بِبَاطِلٍ ، فَإِذَا شَهِدُوا أَنَّ اللَّهَ أَمَرَ بِشَيْءٍ فَقَدْ أَمَرَ بِهِ ، وَإِذَا شَهِدُوا أَنَّ اللَّهَ نَهَى عَنْ شَيْءٍ فَقَدْ نَهَى عَنْهُ ، وَلَوْ كَانُوا يَشْهَدُونَ بِبَاطِلٍ أَوْ خَطِئًا لَمْ يَكُونُوا شُهَدَاءَ اللَّهِ فِي الْأَرْضِ ، بَلْ زَكَّاهُمْ اللَّهُ فِي شَهَادَتِهِمْ كَمَا زَكَّى الْأَنْبِيَاءَ فِيمَا يُبَلِّغُونَ عَنْهُ أَمْرَهُمْ لَا يَقُولُونَ عَلَيْهِ إِلَّا الْحَقَّ ، وَكَذَلِكَ الْأُمَّةُ لَا تَشْهَدُ عَلَى اللَّهِ إِلَّا بِالْحَقِّ ، وَقَالَ تَعَالَى : (وَاتَّبِعْ سَبِيلَ مَنْ أَنْابَ إِلَيَّ) وَالْأُمَّةُ مُنِيبَةٌ إِلَى اللَّهِ فَيَجِبُ اتِّبَاعُ سَبِيلِهَا . "

So if the Lord verily made them witnesses then they do not testify to falsehood. So when they testify that Allāh has ordered something then He has verily ordered it, and if they testify that Allāh has forbidden something then He has verily forbidden it. And if they were to testify to falsehood and mistakes then they would not have been Allāh's witnesses on earth. But Allāh cleansed them in their testimony just as he cleansed the prophets in what they convey from Him; that they do not say about Him except the truth. Likewise the ummah do not testify for Allāh except the truth. And the Exalted said:

وَاتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ

“And follow the path of the one who turns to Me (in repentance).” (Luqmān 31:15)

(Majmū' Al-Fatāwā 19/177-178)

Ibn Taymiyyah – *rahimahullāh* – also said:

وَلَهَذَا كَانَ إِجْمَاعُ هَذِهِ الْأُمَّةِ حُجَّةً ؛ لِأَنَّ اللَّهَ تَعَالَى أَخْبَرَ أَنَّهُمْ يَأْمُرُونَ بِكُلِّ مَعْرُوفٍ وَيَنْهَوْنَ عَنْ كُلِّ مُنْكَرٍ ؛ فَلَوْ اتَّفَقُوا عَلَى إِبَاحَةِ مُحَرَّمٍ أَوْ إِسْقَاطِ وَاجِبٍ ؛ أَوْ تَحْرِيمِ حَلَالٍ أَوْ إِخْبَارٍ عَنِ اللَّهِ تَعَالَى ؛ أَوْ خَلْقِهِ بِبَاطِلٍ ؛ لَكَانُوا مُتَّصِفِينَ بِالْأَمْرِ بِمُنْكَرٍ وَالنَّهْيِ عَنْ مَعْرُوفٍ ؛ مِنْ أَلْكَلِمِ الطَّيِّبِ وَالْعَمَلِ الصَّالِحِ ؛ بَلَى الْآيَةُ تَفْتَضِي أَنَّ مَا لَمْ تَأْمُرْ بِهِ الْأُمَّةُ فَلَيْسَ مِنَ الْمَعْرُوفِ وَمَا لَمْ تَنْهَ عَنْهُ فَلَيْسَ مِنَ الْمُنْكَرِ . وَإِذَا كَانَتْ أَمْرًا بِكُلِّ مَعْرُوفٍ نَاهِيَةً عَنْ كُلِّ مُنْكَرٍ ؛ فَكَيْفَ يَجُوزُ أَنْ تَأْمُرَ كُلُّهَا بِمُنْكَرٍ أَوْ تَنْهَى كُلُّهَا عَنْ مَعْرُوفٍ ؟ وَاللَّهُ تَعَالَى كَمَا أَخْبَرَ بِأَنَّهَا تَأْمُرُ بِالْمَعْرُوفِ وَتَنْهَى عَنِ الْمُنْكَرِ فَقَدْ أَجَبَ ذَلِكَ عَلَى الْكِفَايَةِ مِنْهَا بِقَوْلِهِ : {وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ} .

“And due to this the ijmā' of this ummah is hujjah. Because Allāh – the Exalted – informed that they order towards every good and forbid ever evil. So if they agree upon permitting something forbidden, or (agree upon) leaving an obligation, or forbidding what is legal, or an information about Allāh – the Exalted – or his creation which is false, then they would verily have been described as ordering towards the evil and forbidding the good of fine words and righteous deeds. Rather the verse indicates that what the ummah has not ordered then it is not from what is good, and that which it has not forbidden then it is not from the evil. And if it (i.e. the ummah) is ordering towards every good and forbidding every evil, then how can it be that all of it orders towards an evil or all of it forbids something good? And Allāh the Exalted – just as He informed that it (i.e. the ummah) orders towards the good and forbids the evil – He verily obliged it according to ability with His words:

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ

“And let there be (arising) from you a nation inviting to (all that is) good, enjoining what is right and forbidding what is wrong, and those will be the successful.” (Āli ‘Imrān 3:104)

(Majmū' Al-Fatāwā 28/125)

And also in the *Sunnah* there are evidence for the *hujjiyyah* of the *ijmā'*. Ibn ‘Umar (*radiAllāhu ‘anhu*) narrated that the Messenger of Allāh (*sallAllāhu alayhi wa sallam*) said:

إِنَّ اللَّهَ لَا يَجْمَعُ أُمَّتِي عَلَى ضَلَالَةٍ ، وَيَدُّ اللَّهُ مَعَ الْجَمَاعَةِ

"Verily Allāh will not gather my ummah upon misguidance. And the Hand of Allāh is with the jamā'ah."

(At-Tirmidhī)

And Anas Ibn Mālik said that the Messenger of Allāh (sallAllāhu alayhi wa sallam) said:

إِنَّ اللَّهَ قَدْ أَجَارَ أُمَّتِي أَنْ تَجْتَمَعَ عَلَى ضَلَالَةٍ

"Allāh has verily protected my ummah from uniting upon misguidance."

(As-Sunnah by Abū 'Āsim)

It is also worth mentioning the words of 'Umar (radiAllāhu 'anhu) which he sent in a letter to Shurayh – rahimahullāh – where he said to him:

اقض بما في كتاب الله، فإن لم تجد فيما في سنة رسول الله صلى الله عليه وسلم، فإن لم تجد فيما قضى به الصالحون قبلك، وفي رواية: فيما أجمع عليه الناس.

"Judge with what is in the Book of Allāh. And if you don't find anything (there) then that which is in the Sunnah of the Messenger of Allāh (sallAllāhu alayhi wa sallam). And if you don't find anything (there) then that which the righteous who came before you have judged." And in another narration: "Then that which the people have agreed upon."

(Ibn Abu Shaybah in Al-Musannaf 7/240, Al-Bayhaqī 10/115 and An-Nisāi 8/231)

It has furthermore been mentioned in classical books of *usūl al-fiqh* that the *ijmā'* is considered a *hujjah* in Islam.

Imām Ash-Shafi'ī – rahimahullāh – said in his book "Ar-Risālah" in the chapter called "The sayings of the Sahabah":

فقال قد سمعت قولك في الإجماع والقياس بعد قولك في حكم كتاب الله وسنة رسوله رأيت أقاويل أصحاب رسول الله إذا تفرقوا فيها فقلت: نصيرُ منها إلى ما وافق الكتاب أو السنة أو الإجماع، أو كان أصحَّ في القياس

"So he said: I have verily heard your saying regarding the ijmā' and the qiyās after your saying of the hukm of the Book of Allāh and Sunnah of His Messenger. Have you seen the sayings of the companions of the Messenger of Allāh when they have differed (in opinion)? So I (Ash-Shafi'ī) said: We go to what agrees with the Book or the Sunnah or the ijmā', or that which is most correct in the qiyās."

(Ar-Risālah p. 596-597)

Imām Ash-Shafi'ī – *rahimahullāh* – also said:

ليس لأحد أبداً أن يقول في شيء حلّ ولا حُرْم إلا من جهة العلم . وجهة العلم الخبرُ : في الكتاب أو السنة أو الإجماع أو القياس

"It is not allowed for anyone ever to say about something that it is allowed or forbidden except based upon knowledge. And knowledge is the information: in the Book or the Sunnah or the ijmā' or the qiyās."

(Ar-Risālah p. 39)

And the same opinion was narrated from Imām Ahmad from Abū Ya'lā Al-Farrā who was among the scholars of the Hanbalī *madhhab* in his time. He – *rahimahullāh* – said:

الإجماع حجة مقطوعة عليها، يجب المصير إليها، وتحرم مخالفته ، ولا يجوز أن تجتمع الأمة على الخطأ . وقد نص أحمد – رحمه الله – على هذا في رواية عبد الله وأبي الحارث: "في الصحابة إذا اختلفوا لم يُخْرَج من أقوالهم، رأيت إن أجمعوا، له أن يخرج من أقوالهم؟ هذا قول خبيث، قول أهل البدع، لا ينبغي أن يخرج من أقوال الصحابة إذا اختلفوا

"The ijmā' is hujjah about which there is certainty. It is obligatory to return to it and forbidden to disagree with it. And it is not possible that the ummah unites upon mistake. And Ahmad – rahimahullāh – verily stated this in the narration of 'Abdullāh (his son) and Abū Al-Hārith: 'Regarding the Sahābah if they disagreed then none of their words are disregarded. Do you see if they agreed, can he then disregard some of their sayings? This is a dirty opinion, (it is) the opinion of the people of innovation. No-one should disregard anything from the sayings of the Sahābah (even) if they disagreed."

(Al-'Uddah fī Usūl Al-Fiqh 4/1058)

As-Sarkhasī – *rahimahullāh* – who was from the scholars of the Hanafī *madhhab*, said:

الإجماع موجب للعلم قطعاً بمنزلة النص ، فكما لا يجوز ترك العمل بالنص باعتبار رأي يعترض له : لا يجوز مخالفة الإجماع برأي يعترض له بعدما انعقد الإجماع بدليله

"The ijmā' is an affirmed legal obligation to knowledge at the same status as the (divine) text. So just as it is not allowed to leave acting upon the text due to an opinion which challenges it, then it is also not allowed to oppose the ijmā' due to an opinion that challenges it, after the ijmā' has been concluded with its evidences."

(Usūl As-Sarkhasī 1/308)

And Ibn Taymiyyah – *rahimahullāh* – explained:

وَكَذَلِكَ إِذَا قُلْنَا : الْكِتَابُ وَالسُّنَّةُ وَالْإِجْمَاعُ فَمَذْلُوبُ الثَّلَاثَةِ وَاحِدٌ فَإِنَّ كُلَّ مَا فِي الْكِتَابِ فَالرَّسُولُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُوَافِقٌ لَهُ وَالْأُمَّةُ مُجْمِعَةٌ عَلَيْهِ مِنْ حَيْثُ الْجُمْلَةُ فَلَيْسَ فِي الْمُؤْمِنِينَ إِلَّا مَنْ يُوجِبُ اتِّبَاعَ الْكِتَابِ وَكَذَلِكَ كُلُّ مَا سَنَّهُ الرَّسُولُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَالْقُرْآنُ يَأْمُرُ بِاتِّبَاعِهِ فِيهِ وَالْمُؤْمِنُونَ مُجْمِعُونَ عَلَى ذَلِكَ . وَكَذَلِكَ كُلُّ مَا أَجْمَعَ عَلَيْهِ الْمُسْلِمُونَ فَإِنَّهُ لَا يَكُونُ إِلَّا حَقًّا مُوَافِقًا لِمَا فِي الْكِتَابِ وَالسُّنَّةِ

"And likewise if we say: The Book, the Sunnah and the *ijmā'*, then the meaning of the three is the same. Because everything which is in the Book, then the Messenger (*sallAllāhu alayhi wa sallam*) agrees with it and the *ummah* agrees upon it in its entirety. So everyone among the believers obliges the following of the Book, and likewise everything which the Messenger (*sallAllāhu alayhi wa sallam*) made a Sunnah, then the Qurān commands towards following him in it, and the believers are upon agreement regarding this. And likewise everything which the Muslims agreed upon then it cannot be except the truth which is in accordance with the Book and the Sunnah."

(Majmu' Al-Fatāwā 7/40)

Thereupon a sane person cannot deny the existence nor the authority of the *ijmā'* of this *ummah*. He may bring forth examples different types of *ijmā'*, such as the *ijmā'* of *ahl al-Madinah*¹ and question its legitimacy and whether it is *hujjah* or not, but completely rejecting the *ijmā'* as a source of legislation in the Islamic law, only an innovator – who can be compared with the Qurāniyyūn² – would do this.

And Ibn Taymiyyah – *rahimahullāh* – furthermore explains that even if the *ijmā'* is *dhanni* (assumed) then it still is *hujjah* as long as no evidence stronger than it exists. He – *rahimahullāh* – said:

وَالْإِجْمَاعُ نَوْعَانِ : قَطْعِيٌّ . فَهَذَا لَا سَبِيلَ إِلَى أَنْ يُعْلَمَ إِجْمَاعٌ قَطْعِيٌّ عَلَى خِلَافِ النَّصِّ . وَأَمَّا الظَّنِّيُّ فَهُوَ الْإِجْمَاعُ الْإِقْرَارِيُّ وَالِاسْتِقْرَائِيُّ : بِأَنْ يَسْتَفْرَى أَقْوَالُ الْعُلَمَاءِ فَلَا يَجِدُ فِي ذَلِكَ خِلَافًا أَوْ يَشْتَهَرُ الْقَوْلُ فِي الْقُرْآنِ وَلَا يَعْلَمُ أَحَدًا أَنْكَرَهُ فَهَذَا الْإِجْمَاعُ وَإِنْ جَازَ الْإِجْتِمَاعُ بِهِ فَلَا يَجُوزُ أَنْ تُدْفَعَ النُّصُوصُ الْمَعْلُومَةُ بِهِ لِأَنَّ هَذَا حُجَّةٌ ظَنِّيَّةٌ لَا يَجُزُّمُ الْإِنْسَانُ بِصِحَّتِهَا ; فَإِنَّهُ لَا يَجُزُّمُ بِإِتِّفَاقِ الْمُخَالِفِ وَحَيْثُ قَطَعَ بِإِتِّفَاقِ الْمُخَالِفِ فَالْإِجْمَاعُ قَطْعِيٌّ . وَأَمَّا إِذَا كَانَ يَظُنُّ عَدَمَهُ وَلَا يَقْطَعُ بِهِ فَهُوَ حُجَّةٌ ظَنِّيَّةٌ وَالظَّنِّيُّ لَا يُدْفَعُ بِهِ النَّصُّ الْمَعْلُومُ لَكِنْ يُجْتَنَّبُ بِهِ وَيُقَدَّمُ عَلَى مَا هُوَ

¹ Imam Malik insisted the *ijmā'* (agreement) of the people of Madinah was *hujjah*. The scholars of the Mālikī *madhhab* explained that it was only what was according to the narrations, and that it was allowed to take another opinion than it.

² The Qurāniyyūn are a sect who only accept the Qurān as a source of legislation in Islām and they reject the Sunnah.

دُونَهُ بِالظَّنِّ وَيُقَدَّمُ عَلَيْهِ الظَّنُّ الَّذِي هُوَ أَقْوَى مِنْهُ فَمَتَى كَانَ ظَنُّهُ لِدَلَالَةِ النَّصِّ أَقْوَى مِنْ ظَنِّهِ بِثُبُوتِ الْإِجْمَاعِ قَدَّمَ دَلَالََةَ النَّصِّ وَمَتَى كَانَ ظَنُّهُ لِلْإِجْمَاعِ أَقْوَى قَدَّمَ هَذَا وَالْمُصِيبُ فِي نَفْسِ الْأَمْرِ وَاجِدٌ .

"The ijmā' is of two types. (The first) Al-Qat'ī (the certain). Regarding this it is not possible to know of any ijmā' qat'i which contradicts the (divine) text. Regarding the dhannī (assumed) (i.e. the second type of ijmā'), then it is the affirmed and induced ijmā': by examination of the sayings of the scholars and then nothing which contradicts them is found, or that a certain opinion regarding the Qurān becomes well known and no-one is known for rejecting it (i.e. the opinion) then this is the ijmā'. And even if it is allowed to use it as evidence then it is not allowed to repel the known texts with it, because it is a hujjah dhanniyyah (assumed argument) where the person is not absolute certain regarding its correctness. Because it verily does not become absolute certain due to the non-existence of the mukhālif (the one who disagrees), and if it becomes certain due to the non-existence of the mukhālif then it is an ijmā' qat'i (certain). But if a person thinks that there exist no (mukhaalif) but he is not certain about this, then it is a hujjah dhanniyyah, and the dhannī does not repel the known text, but it is used as an evidence and it is preferred over what is besides it of assumption. And the assumption which is stronger than it, is preferred over it. So when his assumption regarding the meaning of the text is stronger than his assumption regarding the establishment of the ijmā', then he prefers the meaning of the text, and when his assumption regarding the ijmā' is stronger, then he prefers that."

(Majmū' Al-Fatāwā 19/267-268)

All of this testifies to the fact that *Ahl As-Sunnah wal-Jamā'ah* acknowledges the ijmā' and considers it a *hujjah* in the Islamic legislation. Whether speaking about the ijmā' qat'i, ijmā' dhannī or the ijmā' of the people of Madinah, then none of the Islamic text nor the sayings of the scholars indicates or proves that it is allowed to reject and not accept the *hujjiyyah* of the ijmā' in general.

Regarding the one who rejects the *ijmā'*

The sick people of *bid'ah* today who reject the *ijmā'* – or the *hujjiyyah* of the *ijmā'* – are not the first to do this. These *zanādiqah* were preceded by a man who held the same belief as them. His name was Ibrāhīm An-Nadhām. The scholars have spoken about this man and how they considered him.

Ibn Qudāmah – *rahimahullāh* – a scholar from the Hanbalī *madhhab*, said:

هذه الأحاديث لم تزل مشهورة بين الصحابة والتابعين يتمسكون بها في إثبات الإجماع ولا يُظهر فيه أحدٌ خلافاً إلى زمن النظام

"These ahādīth continued to be well-known among the Sahābah and tabi'īn and they held on to them regarding the establishment of the ijmā'. And no-one contradicted this until the time of An-Nadhām."

(Rawdah An-Nādhir 2/448)

As-Sarkashī – *rahimahullāh* – a scholar from the Hanafī *madhhab*, said:

وَإِذَا ثَبَتَ إِمْكَانُ الْعَمَلِ بِهِ ، فَهُوَ حُجَّةٌ شَرْعِيَّةٌ ، وَلَمْ يُخَالَفْ فِيهِ غَيْرُ النَّظَامِ وَالْإِمَامِيَّةِ . قَالَ إِمَامُ الْحَرَمَيْنِ : أَوَّلُ مَنْ بَاغَ بَرْدَهُ النَّظَامُ ، ثُمَّ تَابَعَهُ بَعْضُ الرَّوَافِضِ

"If the possibility of acting upon it is established then it is a hujjah shar'iyyah. And no-one disagrees regarding this except An-Nadhām and Al-Imāmiyyah (Shī'ah). Imām Al-Haramayn said: The first to allow the rejection of it (i.e. the ijmā') was An-Nadhām, then some of the rawāfid followed him (in this opinion)."

(Al-Bahr Al-Muhīt p. 384-385)

And Tāj Ad-Dīn As-Subkī – a scholar from the Shāfi'ī *madhhab* – said:

اتفق أكثر المسلمين على أن الإجماع حجة شرعية يجب العمل به على كل مسلم وخالف في ذلك الشيعة والخوارج والنظام ونقل ابن الحاجب أن النظام يحيل الإجماع وهو خلاف نقل الجمهور عنه.

وقد صرح الشيخ أبو اسحاق في شرح اللمع بأنه لا يحيله وهو أصح النقلين واعلم ان النظام المذكور هو أبو اسحاق ابراهيم بن سيار النظام كان ينظم الخرز بسوق البصرة وكان يظهر الاعتزال وهو الذي ينسب إليه الفرقة النظامية من المعتزلة لكنه

كان زنديقا وإنما أنكر الإجماع لقصده الطعن في الشريعة كذلك أنكر الخبر المتواتر مع خروج رواته عن حد الحصر هذا مع قوله بأن خبر الواحد قد يفيد العلم فاعجب لهذا الخذلان وأنكر القياس كما سيأتي وكل ذلك زندقة لعنه الله

"Most of the Muslims agreed that the ijmā' is hujjah shar'iyyah and it is obligatory to act upon it for every single Muslim. And those who opposed this was the shī'ah, the khawārij and An-Nadhām. Ibn Al-Hājib narrated that An-Nadhām refers to the ijmā' while this contradicts what the majority has narrated about him.

And verily did the Shaykh Abu Ishāq declare in the explanation of Al-Lum'³ that he (i.e. An-Nadhām) does not refer back to it, and this is the most correct of the two narrations (regarding him). And know that the mentioned person An-Nadhām is Abū Ishaq Ibrāhīm bin Siyār An-Nadhām. He used to arrange the beads in the marketplace of Basrah, and he would show i'tizāl (withdrawal from people). The sect An-Nadhāmiyyah from Al-Mu'tazilah is ascribed to him. But he was a zindīq and he verily rejected the ijmā' because of his intention to destroy the Sharī'ah. He also rejected the mutawātir khabar (recurrent Prophetic narrations) even though their narrators exceeded the limit of what can be counted. (He held) this (belief) along with his opinion that one narration possibly can benefit knowledge. So I am amazed with this disillusion. And he rejected the qiyās, as will be mentioned later. All of this is zandaqah, may Allāh curse him."

(Al-Ibhāj 2/353)

There is no need to add anything to the words of the scholars regarding this man and his beliefs.

³ Al-Lum' fi Usūl Al-Fiqh

The saying of Imām Ahmad

Some of the people of *bid'ah* today who reject the *ijmā'* use a saying which have been narrated from Imām Ahmad as evidence for their false beliefs.

Abdullāh the son of Imām Ahmad – *rahimahullāh* – said:

سَمِعْتُ أَبِي يَقُولُ : مَا يَدَّعِي فِيهِ الرَّجُلُ الْإِجْمَاعَ فَهُوَ كَذِبٌ ، مَنْ ادَّعَى الْإِجْمَاعَ فَهُوَ كَاذِبٌ ، لَعَلَّ النَّاسَ اخْتَلَفُوا ، مَا يُدْرِيهِ ، وَلَمْ يَنْتَه إِلَيْهِ ؟ فَلْيَقُلْ : لَا نَعْلَمُ النَّاسَ اخْتَلَفُوا ، هَذِهِ دَعْوَى بَشَرٍ الْمَرِيسِيِّ وَالْأَصَمِّ ، وَلَكِنَّهُ يَقُولُ : لَا نَعْلَمُ النَّاسَ اخْتَلَفُوا ، أَوْ لَمْ يَبْلُغْنِي ذَلِكَ ، هَذَا لَفْظُهُ

"I heard my father say: 'Whatever a man claims the (existence of) ijmā' in, then it is a lie. Whoever claims the ijmā' (in an issue) then he is a liar, because perhaps the people have disagreed and he doesn't know about it and it hasn't reached him. So (instead) let him say: We do not know that the people have disagreed (in this issue). This is the da'wah of Bishr Al-Marīsī and Al-Asam. Instead a person should say: We do not know that the people have disagreed (in this issue) or this (i.e. the difference in opinion) has not reached me.' These are his words."

(I'lām Al-Muwāqī'in p. 24 – by Ibn Al-Qayyim)

It is very obvious that what the Imām meant is not that the *ijmā'* does not exist or that it cannot be considered as *hujjah*. Because he himself would use the *ijmā'* as *hujjah* and he himself would state its validity. Shaykh Al-Islām Ibn Taymiyyah – *rahimahullāh* – said:

الذي أنكره أحمد دعوى إجماع المخالفين بعد الصحابة أو بعدهم وبعد التابعين أو بعد القرون الثلاثة المحمودة ولا يكاد يوجد في كلامه احتجاج بإجماع بعد عصر التابعين أو بعد القرون الثلاثة مع أن صغار التابعين أدركوا القرن الثالث وكلامه في إجماع كل عصر إنما هو في التابعين ثم هذا منه نهي عن دعوى الإجماع العام النطقي وهو كالإجماع السكوتي أو إجماع من الجمهور من غير علم بالمخالف فإنه قال في القراءة خلف الإمام :

"That which Ahmad rejected was the claim of the ijmā' of the mukhālifīn (those who oppose the truth) after the Sahābah or after them and after the tābi'in or after the praised three generations. And in his words he almost do not use an ijmā' as evidence which came after the time of the tābi'in or after the three (first) generations, despite the young of the tābi'in reached the third generations. And his words regarding the ijmā' of every time is verily regarding the tābi'in, and then after this he prohibited to claim the (existence of the) general spoken ijmā' – and this is like the unspoken ijmā' – or the ijmā' of the majority without the knowledge of anyone who has another opinion. He (Imām Ahmad) verily said regarding reciting behind the Imām:

ادعى الإجماع في نزول الآية وفي عدم الوجوب في صلاة الجهر وإنما فقهاء المتكلمين كالمرسي والأصم يدعون الإجماع ولا يعرفون إلا قول أبي حنيفة ومالك ونحوهما ولا يعلمون أقوال الصحابة والتابعين وقد ادعى الإجماع في مسائل الفقه غير واحد من مالك ومحمد بن الحسن والشافعي وأبو عبيد في المسائل وفيها خلاف لم يطلعوه وقد جاء الإجماع على الكتاب والسنة والإجماع في كلام عمر بن الخطاب وعبد الله بن مسعود وغيرهما حيث يقول كل منهما : اقض بما في كتاب الله فإن لم يكن فيما في سنة رسول الله صلى الله عليه وسلم فإن لم يكن فيما أجمع عليه الصالحون وفي لفظ : بما أجمع عليه الناس لكن يقتضي هذا تأخير هذا عن الأصلين وما ذاك إلا لأن هؤلاء لا يخالفون الأصلين

'The ijmā' was claimed regarding the revelation of the verse and regarding (the fact that) reading out loud in salāh is not obligatory. And verily did the fuqahā of the mutakallimūn such as Al-Marīsī and Al-Asam claim the ijmā' while they only know the opinion of Abu Hanīfah, Mālik and the likes of these two. They do not know the opinions of the Sahābah and tābi'īn. And verily was the ijmā' claimed in some issues of fiqh by more than one among Mālik, Muhammad bin Al-Hasan, Ash-Shafi'ī and Abū 'Ubayd in issue where there exist disagreement which they were not aware of. And verily did the dependence upon the Book, the Sunnah and the ijmā' come in the words of 'Umar Ibn Al-Khattāb and 'Abdullāh Ibn Mas'ūd and others than these two, when one of them said: 'Judge with what is in the Book of Allāh. And if there is nothing (there regarding that issue) then with what is in the Sunnah of the Messenger of Allāh (sallAllāhu alayhi wa sallam). And if there is nothing (there regarding that issue) then with what the righteous have agreed upon.' And with the words: 'Then that which the people have agreed upon.' But this necessitates the deferment of it (i.e. the ijmā') from the two foundations (Qurān and Sunnah) and that is only because these (agreements) do not contradict the two foundations.'"

(Al-Musawwadah fī Usūl Al-Fiqh p. 316-317 – by the Family of Taymiyyah)

Furthermore his own words in the quote indicates that he rebukes the one who claims the existence of ijmā' in a specific issue – due to the possibility of a difference in opinion that may not have reached the person – and his criticism is not directed at the one who accepts the ijmā' in the first place. Thus his words:

"Whoever claims Al-Ijmā' (in an issue) then he is a liar, because perhaps the people have disagreed and he doesn't know about it and it hasn't reached him. So (instead) let him say: We do not know that the people have disagreed (in this issue)."

Ibn Al-Qayyim – *rahimahullāh* – explained how this statement from Imām Ahmad – along with other similar statements from other scholars – would occur with the purpose of protecting the religion and its sources of legislation from the people of *bid'ah* who tried – and still try – to avoid the Qurān and Sunnah by claiming ijmā' in issues in order to avoid the divine texts. By seeing in which context the scholars would use this quote, the reader

may realize that this quote has nothing to do with rejecting the *ijmā'* or rejecting the *hujjiyyah* of the *ijmā'*. He – *rahimahullāh* – said while describing some of the groups of *jahmiyyah*:

وَمَا أَفْقَهُ أُخْرَى رَدَّتِ الْأَحَادِيثَ بِعَدَمِ مَعْرِفَتِهَا بِمَنْ ذَهَبَ إِلَيْهَا ، وَسَمَّوْا عَدَمَ عِلْمِهِمْ إِجْمَاعًا وَرَدُّوْا بِهِ كَثِيرًا مِنَ السُّنَنِ ، وَبَالَغَ الشَّافِعِيُّ وَبَعْدَهُ الْإِمَامُ أَحْمَدُ فِي الْإِنْكَارِ عَلَى هَؤُلَاءِ وَوَسَّعَ الشَّافِعِيُّ الرَّدَّ عَلَيْهِمْ فِي الرِّسَالَتَيْنِ وَكِتَابِ جُمَاعِ الْعِلْمِ وَغَيْرِهَا ، وَلَا يُتَصَوَّرُ أَنْ تُجْمَعَ الْأُمَّةُ عَلَى خِلَافِ سُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَطُّ إِلَّا أَنْ يَكُونَ هُنَاكَ سُنَّةٌ صَحِيحَةٌ مَعْلُومَةٌ نَاسِيخَةٌ ، فَتُجْمَعُ عَلَى الْقَوْلِ بِالسُّنَّةِ النَّاسِيخَةِ ، وَأَمَّا أَنْ تَتَّفِقَ عَلَى الْعَمَلِ بِرُكْحٍ حَدِيثٍ لَا نَاسِيخَ لَهُ ، فَهَذَا لَمْ يَفْعَ أَبَدًا ، وَلَا يَجُوزُ نِسْبَةُ الْأُمَّةِ إِلَيْهِ ، فَإِنَّهُ قَدْ خُذَ فِيهَا وَنِسْبَةُ لَهَا إِلَى تَرْكِ الصَّوَابِ وَالْأَخْذِ بِالْخَطِئِ .

“And another group (among them) rejected the ahādīth due to not knowing those who took the opinion of it (i.e. of the meaning in the hadīth) and they named their lacking knowledge ijmā', and with this they rejected a lot of the Sunnah. Ash-Shafi'i exaggerated – and after him Imām Ahmad – in refuting these people. And Ash-Shafi'i elaborated the answer to them in two letters, 'Kitab Al-Jummā' Al-'Ilm' and other than these. It certainly cannot be imagined that the ummah agrees upon what contradicts the Sunnah of the Messenger of Allāh (sallAllāhu alayhi wa sallam), except if there was a well-known correct nāsikhah Sunnah⁴ then it (i.e. the ummah) would agree upon the nāsikhah Sunnah. But that it would agree upon leaving a hadīth that has no nāsikh (revoker) then this has never happened, and it is not allowed (even) to ascribe this to the ummah because this is insulting it and ascribing to it that it leaves what is correct and acts upon what is wrong.

قَالَ الْإِمَامُ أَحْمَدُ فِي رِوَايَةِ ابْنِهِ عَبْدِ اللَّهِ : مَنْ ادَّعَى الْإِجْمَاعَ فَقَدْ كَذَبَ ، لَعَلَّ النَّاسَ قَدْ اخْتَلَفُوا هَذِهِ دَعْوَى بَشَرٍ الْمَرِيسِيِّ وَالْأَصَمِّ ، وَلَكِنْ يَقُولُ : لَا أَعْلَمُ النَّاسَ اخْتَلَفُوا (قَالَ) فِي رِوَايَةِ الْمُرُودِيِّ : كَيْفَ يَجُوزُ لِلرَّجُلِ أَنْ يَقُولَ : أَجْمَعُوا إِذَا سَمِعْتَهُمْ يَقُولُونَ أَجْمَعُوا فَأَعْتَمَهُمْ ، لَوْ قَالَ : إِنِّي لَا أَعْلَمُ لَهُمْ مُخَالَفًا جَارَ (وَقَالَ) فِي رِوَايَةِ أَبِي طَالِبٍ : هَذَا كَذِبٌ مَا أَعْلَمُهُ أَنَّ النَّاسَ مُجْمِعُونَ ، وَلَكِنْ يَقُولُ : لَا أَعْلَمُ فِيهِ اخْتِلَافًا : فَهُوَ أَحْسَنُ مِنْ قَوْلِهِ إِجْمَاعَ النَّاسِ .

Imām Ahmad said in the narration of his son Abdullāh: 'Whoever claims the ijmā' (in an issue) then he is a liar, because perhaps the people have disagreed and he doesn't know about it and it hasn't reached him. So (instead) let him say: We do not know that the people have disagreed (in this issue). This is the da'wah of Bishr Al-Marīsī and Al-Asam. Instead a person should say: I do not know that the people have disagreed (in this issue).'

⁴ A *nāsikhah Sunnah* is a *Sunnah* which revokes a previous rule and replaces it. Just as there exist *nāsikhah* verses in the Quran which revoke previous verses and replace them. That which has been replaced is then called *mansūkh*.

(And he said) in the version of Al-Marwadhī: 'How can it be allowed for a man to say: They have agreed. If you hear them say that they have agreed then accuse them. If he (instead) said: I verily do not know of anyone who disagrees with them – then this would be allowed.'

(And he said) in the version of Abū Tālib: 'This is a lie. What have made him know that the people have agreed? Instead he should say: I don't know of any disagreement in this (issue). And this is better than his words regarding the *ijmā'* of the people.'

وَقَالُوا فِي رِوَايَةِ ابْنِ الْحَارِثِ : لَا يَنْبَغِي لِأَحَدٍ أَنْ يَدَّعِيَ الْإِجْمَاعَ ، لَعَلَّ النَّاسَ اخْتَلَفُوا .

And they said in the narration of Ibn Al-Hārith: 'No-one should claim the *ijmā'*, perhaps the people have disagreed.'

وَلَيْسَ مُرَادُّهُ بِهَذَا اسْتِنْعَادُ وُجُودِ الْإِجْمَاعِ ، وَلَكِنَّ أَحْمَدَ وَأَيْمَةَ الْحَدِيثِ بُلُّوا بِمَنْ كَانَ يَرُدُّ عَلَيْهِمُ السُّنَّةَ الصَّحِيحَةَ بِإِجْمَاعِ النَّاسِ عَلَى خِلَافِهَا ، فَبَيَّنَّ الشَّافِعِيُّ وَأَحْمَدُ أَنَّ هَذِهِ الدَّعْوَى كَذِبٌ ، وَأَنَّهُ لَا يَجُوزُ رَدُّ السُّنَنِ بِمِثْلِهَا ، قَالَ الشَّافِعِيُّ فِي رِوَايَةِ الرَّبِيعِ عَنْهُ مَا لَا يُعْلَمُ فِيهِ نِزَاعٌ لَيْسَ إِجْمَاعًا

And what he wants with this is not the elimination of the existence of the *ijmā'*. But Ahmad and the *aimmah* (pl. *imām*) of *hadīth* would harm those who used to refute the correct *Sunnah* with the *ijmā'* of the people upon what contradicted it. So Ash-Shafi'ī and Ahmad clarified that this claim is a lie, and that it is not allowed to reject the *Sunnah* with the like of it. Ash-Shafi'ī said in the narration of Ar-Rabī': 'That which we do not know any disagreement in is not *ijmā'*.'''

(Mukhtasar Sawā'iq Al-Mursalah 'alā Al-Jahmiyyah Al-Mu'attalah p. 611-612)

This quote eliminated any doubts that could exist regarding the intention of Imām Ahmad with his words. He said this to warn the *ummah* from falling in negligence towards the Qurān and the *Sunnah* by refuting them with the claim that the people agreed upon something which contradicted their meanings.

And *Ahl As-Sunnah Wal-Jamā'ah* stay on the moderate path, as we were instructed by the Messenger of Allāh (*sallAllāhu alayhi wa sallam*). We do not become extreme as those who reject the *ijmā'* in order to allow what the *ummah* has forbidden and vice versa, nor do we become negligent as those who misuse the *ijmā'* to avoid the Qurān and *Sunnah*. We ask Allāh to make us firm upon the *Sunnah* and protect us from *bid'ah*.

Lastly it can be mentioned that Imām Ahmad – born in year 164 *hijrī* and died in 241 *hijrī*, may Allāh show him mercy – lived in the same time as Ibrahim An-Nadhām who was born in between 160 and 185 *hijrī*, and died between 221 and 229 *hijrī* (there is difference of opinion regarding his year of birth and death). So if it was the case that Imām Ahmad

rejected the *ijmā'*, the scholars would most definitely have mentioned him as the first to do this – since he was more prominent than An-Nadhām – or at least mention him along with An-Nadhām and the other misguided sects when they would mention those who rejected the *ijmā'*. Nevertheless we do not find a single quote from any scholar that stated that Imām Ahmad rejected the *ijmā'* contrary to what the misguided people of *bid'ah* claim today.

Written by: Abū Hājar (4 Ramadān 1438 *hijrī* or 30/05-2017)

Corrected by: Abū Sumayyah

Tāriq